



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Vice-Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4
Chair

Jaime De La Cruz
District No. 5

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING SEPTEMBER 23, 2014 ACTION MINUTES

The Board of Supervisors of San Benito County met in the Board Chambers on the above date in *regular session*. Supervisors Muenzer, De La Cruz, Rivas, Botelho and Barrios were present. Also present were County Administrative Officer Ray Espinosa, County Counsel Matt Granger, and Clerk of the Board Denise Thome. Chairman Muenzer presided.

9:00 a.m. CALL TO ORDER:

- a) Supervisor Rivas led the Pledge of Allegiance.
- b) *Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz acknowledged Certificate of Posting.*
- c) **Public Comment:**

Executive Director of the San Benito County Olive Festival Whitney Pintello spoke about the upcoming 2nd annual festival on October 11th at Bolado Park.
Marvin Jones spoke about fracking.
- d) **Department Head Announcements:**

CAO Espinosa stated that on September 16th, the Sheriff along with Administration sent a funding request for supplemental court security.
- e) **Board Announcements:**

Supervisor Barrios spoke of AB109 funding.
Supervisor Botelho reported that they met with the courts regarding issues and they would continue the meetings to resolve the issues with the courts. He expressed appreciation for the judges setting time aside. He stated that at the COG meeting they continued to discuss Highway 25 and how appropriate procedures could be done to place on the constrained list as well as funding the ongoing process. He added that he would keep the board informed.
Chairman Muenzer spoke of the Monterey Bay Unified Air Pollution Control District meeting and the AB 126 grant money awarded.

CONSENT AGENDA:

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** Consent Agenda items with the exception of items 8, 11, 12, 13 and 14 which were pulled for discussion. (the motion passed 5-0)*

CLERK OF THE BOARD – D. Thome:

- 1) **Approved** the action minutes of the special meeting of July 8, 2014.

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 2) Set and pass the FY 2014/2015 Tax Rates, Debt Service Rates and Direct Assessment Charges; **authorized** the levy of these rates against the taxable secured property with the county, which is subjected to each rate; **adopted Resolution No. 2014-82**, which sets and approves the FY 2014/2015 tax rates as shown on Appendix A; and **approved** the collection fee allowed by Section 29142. *File #608*

DEPARTMENT OF CHILD SUPPORT SERVICES – K. Johnson:

- 3) **Approved** contract with Firato Service Company, Inc. for janitorial services for the period of September 8, 2014 through September 8, 2015, in an amount of \$10,740. *File #22*

HEALTH & HUMAN SERVICES AGENCY- J. Rydingsword:

- 4) **Approved** the MOU between TALX Corporation and the County of San Benito for free access to the Work Number for the period of October 1, 2014 through December 31, 2014. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 5) **Approved** the Notice of Intent for the Child Abuse Prevention Intervention and Treatment (CAPIT) Community-Based Child Abuse Prevention (CBCAP) and Promoting Safe and Stable Families (PSSF) Funding Assurances for the period of August 14, 2014 to August 14, 2019 as part of the System Improvement Plan. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 6) **Approved** 3 agreements with California Statewide Automated Welfare Systems (SAWS) Consortium IV (C-IV) Joint Powers Authority for ongoing operations at Hazel Hawkins site, for purchase of additional hardware and support for previously added workstations and purchase of 3 workstations for a total of \$53,148. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 7) **Approved** the amendment to the contract with Hazel Hawkins Memorial Hospital for an Eligibility Worker for the period of July 1, 2014 through June 30, 2017. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 8) **Approve contract with San Benito Community Consulting, LLC for grant development and writing services for the period of October 1, 2014 through June 30, 2015, in an amount not to exceed \$83,000.**

Supervisor De La Cruz asked how the selection was done.

HHSA Director Jim Rydingsword explained that they looked for people in the local community with expertise and background.

Supervisor De La Cruz indicated that usually grant writers are paid if they are successful with the grant.

Mr. Rydingsword explained that they get paid on grants assigned to them. He added that in the future they could write it the way Supervisor De La Cruz stated. He indicated that they were building a local group with expertise.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Rivas, **approved** contract with San Benito Community Consulting, LLC for grant development and writing services for the period of October 1, 2014 through June 30, 2015 in an amount not to exceed \$83,000. (the motion passed 5-0) File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 9) **Appointed** Mr. Emery Smith to the Workforce Investment Board, as a private sector, for a three year term effective September 23, 2014 through September 23, 2017. *File #130*

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 10) **Appointed** Ms. Katherine Zavala to the Community Action Board, as a private sector, for a three year term effective September 23, 2014 through September 23, 2017. *File #156*

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 11) **Approve Amendment #2 with Recology San Benito for Three Year Extension per contract to the Franchise Agreement for residential, commercial and multi-family refuse and recycling collection and disposal.**

Marty Richman, a member of the public, pulled the item. He spoke in regards to the time of the contract extension and how it may change the way we collect trash. He thought the changes may be a lot of expense to the public and that may be a good place to put back the money from the closure fund.

Integrated Waste Manager Mandy Rose spoke of the possibility of banning organics from the landfill and if that happened they would have to come back and renegotiate the contract.

Supervisor Botelho stated that they needed to comply with regulations and they would cross that bridge when they came to it.

*Upon motion duly made by Supervisor Botelho and seconded by Supervisor Barrios, **approved** Amendment #2 with Recology San Benito for three year extension per contract to the franchise agreement for residential, commercial and multi-family refuse and recycling collection and disposal. (the motion passed 5-0) File #142*

PLANNING DEPARTMENT – B. Turner:

- 12) **Approve contract with Aspen Environmental Group to prepare a Supplemental Environmental Impact Report for the Panoche Valley Solar project for the period of September 23, 2014 through March, 15, 2015, in an amount not to exceed \$115,000; and authorize the Interim Planning Director to approve minor contract amendments, authorizing additional work within 10% contract contingency amount not to exceed \$11,500.**

Marvin Jones, a member of the public, pulled this item. He asked how many times they would be doing a supplemental EIR. He asked what it took to do another. He indicated that it was a required state regulation to facilitate P.G. & E. upgrades and should be the last part of the process.

*Upon motion duly made by Supervisor Barrios and seconded **approved** contract with Aspen Environmental Group to prepare a Supplemental Environmental Impact Report for the Panoche Valley Solar project for the period of September 23, 2014 through March 15, 2015, in an amount not to exceed \$115,000; and **authorized** the Interim Planning Director to approve minor contract amendments, **authorizing** additional work within 10% contract contingency amount not to exceed \$11,500. (the motion passed 5-0) File #790*

PLANNING DEPARTMENT – B. Turner:

- 13) **Adopt the finding set forth on attachment “A” to the AIT and adopt Ordinance amending Section 25.43.008 of Title 25 of the San Benito County Code regarding the term of Use Permits. (Continued from 9/9/14 meeting) (Ord. No. 928)**

Jeannette Langstaff, a member of the public, pulled this item for discussion. She asked that they make sure all concerns were considered and that they not alter the initiative on record. She spoke of the changes in the proposed ordinance and putting priorities and awareness in place for the residents.

Interim Planning Director Byron Turner explained that the item was for previous use permits.

Chairman Muenzer requested confirmation that this item was not directly related to the initiative before the board.

Mr. Turner concurred that it was not related.

Marty Richman declared that apparently everything was related and he expected the Board of Supervisors to protect them from lawsuits whether it's oil, sidewalks or gas stations. He asked the Board to do their duty and protect the public from lawsuits.

Kristina Chavez Wyatt felt that the measure went too far.

Chairman Muenzer reminded that the item had nothing to do with the initiative.

Andy Hsia-Coron stated that the issue of whether it was a lawsuit or not was up to the industry.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **adopted** the finding set forth on attachment “A” to the AIT and **adopted Ordinance No. 928 amending** Section 25.43.008 of Title 25 of the San Benito County Code regarding the term of Use Permits. (the motion passed 5-0) File #790*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 14) **Approve the AT&T Cell Tower Lease Agreement at the Veterans Memorial Park for an initial term of 10 years and annual rent in the amount of \$27,000.**

Supervisor Barrios stated that she would like to be able to bring back the matter to discuss the use of the money to be received. She indicated that she would like the Veterans' Commission to consider putting money back into the use of the park. She hoped they would re-invest into the Veterans' Park lighting, grounds and maintenance and incorporate all into a plan for capital improvements and sustainability. She commented that it could be a substantial amount that could be put to good use.

Supervisor De La Cruz noted that he was chairman of the Veterans' Commission and that had been discussed at many different meetings. He stated

that the county allocates more money than there was revenue coming in. He suggested that perhaps they could have a discussion regarding special projects.

Chairman Muenzer stated that he and Supervisor Barrios had discussed getting a capital improvement project done that they were waiting for funding to come in.

Interim Public Works Director Joe Horwedel stated that the Board could make the decisions.

Chairman Muenzer directed that they agendaize theirs and the Veterans' Park Commission.

Supervisor Barrios asked about camouflaging of the tower.

Mr. Horwedel stated that there were different ways to disguise and they would decide the appropriate design.

Supervisor Botelho concurred with Supervisor Barrios that the money should go back to the Vets Park and held in a reserve. He spoke of an incident awhile back where a water pipe broke and they didn't have the money to fix it. He added that he didn't see the lessor's ability to sign off on sub-leasing.

Mr. Horwedel spoke of the ability to transfer the tower to another entity and that he didn't see anything to sub-let. He indicated that they would have to come back through the permit process.

Further discussion ensued.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz, **approved** the A.T.&T. Cell Tower lease agreement at the Veterans Memorial Park for an initial term of 10 years and annual rent in the amount of \$27,000. (the motion passed 5-0) File #127*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 15) **Approved** the plans and specifications and bid documents for the Veteran's Memorial Park Irrigation project no. 3000-939. *File #127*

SAN BENITO COUNTY ARTS COUNCIL – R. Espinosa:

- 16) **Adopted Resolution No. 2014-83 approving** the San Benito County Arts Council to serve San Benito County as a state and local partner of the California Arts Council. *File #119*

REGULAR AGENDA:

BOARD OF SUPERVISORS – M. Barrios:

- 17) **Receive informational presentation from the State Department of Conservation regarding Oil, Gas and Geothermal Resources.**

CAO Espinosa explained that Supervisor Barrios requested to bring this item as a discussion item.

Supervisor Barrios expressed that she was grateful that they accepted the invitation.

The board adjourned at 9:45 a.m. for a break and reconvened at 9:51 a.m. into regular session.

Supervisor Barrios introduced Jason Marshall, Chief Deputy Director of the Department of Conservation.

Mr. Marshall stated that his department was the regulator and was not for or against Measure J. He stated that the use of chemicals in fracking is what makes

it so controversial. He gave a PowerPoint presentation on Oil and Gas Operations: Production Techniques and Regulation in California.

Discussion between board members and Mr. Marshall ensued.

The Chairman called for public comment.

Those speaking under public comment were; Larry Rebecchi, Andy Hsia-Coron, Marvin Jones, Jeannette Langstaff, Marty Richman, Karl Skow, Melissa Duflock, Margaret Rebecchi, Joe Morris, Joe Spencer, Kristina Chavez Wyatt and Paul Rovella.

There being no further speakers Chairman Muenzer closed public comment.

Chairman Muenzer thanked Mr. Marshall for his presentation. *File #156*

The board took a short break and Chairman Muenzer indicated that they would be moving item #21 up next.

HEALTH & HUMAN SERVICES AGENCY – J. Rydingsword:

- 18) **Adopt Resolution authorizing a loan up to \$1,000,000 to CHISPA from Home Funds program income for the construction of affordable housing and authorizing the H&HSA Director to execute a standard loan agreement on behalf of the County and any amendments thereto and any other related documents necessary as required by the State of California Housing and Community Development for the granting of the loan; and approve Budget Augmentation in the amount of \$1,000,000. (4/5 vote) (Res. No. 2014-84)**

HSA Director James Rydingsword gave a summary of the staff report indicating that they might be able to create 40 units of permanent low income housing.

Discussion ensued between board members and staff.

Alfred Diaz-Infante, President and CEO of CHISPA indicated that the loans would be 55 years with a 3% interest rate. He explained the reason for the 55 years was that the state and federal governments wanted to make sure these funds were used and leveraged.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Barrios, **adopted Resolution No. 2014-84 authorizing** a loan up to \$1,000,000 to CHISPA from Home Funds program income for the construction of affordable housing and **authorizing** the H&HSA Director to execute a standard loan agreement on behalf of the County and any amendments thereto and any other related documents necessary as required by the State of California Housing and Community Development for the granting of the loan; and **approved** Budget Augmentation in the amount of \$1,000,000. (4/5 vote) (the motion passed 5-0) *File #130**

CLERK/AUDITOR/RECORDER F- J. P. Gonzalez:

- 19) **Approve contract with Grace & Associates for professional auditing services for the period of October 1, 2014 through June 30, 2016; and approve Budget Augmentation from General Fund Contingency for an additional \$60,000 over the initial approved budget amount of \$45,000 for a maximum contract of \$105,000 for Fiscal Year 2014/2015. (4/5 vote)**

Clerk-Auditor-Recorder Joe Paul Gonzalez gave a staff report regarding the 2 year contract extension that he was requesting. He added that the Audit Committee recommended the extension be approved. He explained that they

had a 5 year contract with Grace & Associates and during that time the county lost a lot of accountants and the scope of the audit had to be increased.

Supervisor Barrios did not feel it was an appropriate rate. She stated that \$85,000 a year was not reasonable and there was no flexibility. She felt it should be put out to bid. She suggested doing the contract for one year not two, and then go out for an RFP.

CAR Gonzalez stated that the audit committee recommended doing 2 years and before the end of the second year, go out to bid. He indicated that the Graces were under no obligation if the county reduced the amount. He added if the Graces said no, the county would be in a bit of jeopardy and would be hard pressed to find an auditor to audit the county books at this late date.

Supervisor Botelho expressed sticker shock and concurred with Supervisor Barrios. He added that the Graces had done a good job and asked if the county receives billing with the number of hours worked.

CAR Gonzalez stated that they were invoiced by the Graces for specific work done, not hours. He added that they were not obligated to provide that.

Supervisor De La Cruz stated that he had nothing against the Graces but you need a new set of eyes every 3 to 5 years.

Further discussion ensued between board members and staff.

*Upon motion duly made by Supervisor De La Cruz and seconded by Supervisor Botelho, **approved** contract with Grace & Associates for professional auditing services for the period of October 1, 2014 through June 30, 2016; and **approved** Budget Augmentation from General Fund Contingency for an additional \$60,000 over the initial approved budget amount of \$45,000 for a maximum contract of \$105,000 for Fiscal Year 2014/2015. (4/5 vote) (the motion passed 4-1 with Supervisor Barrios voting no) File #608*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 20) **Select two Board members to be part of the Gray Water Ad Hoc Committee who will be responsible for directing staff in the development of a gray water policy for San Benito County.**

CAO Espinosa indicated that Supervisor Rivas requested that this item be on the agenda.

Chairman Muenzer suggested that they also look at solar.

Chairman Muenzer appointed Supervisors Rivas and Botelho to a Gray Water Ad Hoc Committee. *File #119*

COUNTY ADMINISTRATION OFFICE – R. Espinosa:

- 21) **Review and approve new guidelines for Grant Application Process for Community Base Organizations (CBOs) beginning FY 15/16.**

Management Analyst Melinda Casillas gave a staff report. She discussed the application process and handed out a revision. She explained that there were 6 criteria and it was broader than the current guidelines.

Discussion ensued among board members.

Speaking under public comment were; Clay Kempf, Executive Director of Area Agency on Aging of San Benito County, Marty Richman and Mary Ann Hughes, Executive Director of Community Food Bank.

Supervisor Barrios directed HHSA Director James Rydingsword and Clay Kempf of Area Agency on Aging to work together to see what best benefits San Benito County.

CAO Espinosa indicated that he would take the matter to the next Intergovernmental Committee meeting. *File #119*

PUBLIC WORKS DEPARTMENT – J. Horwedel:

- 22) **Approve an emergency equipment purchase and installation of one complete boiler unit from San Jose Boiler Works for the San Benito County Jail facility in an amount not to exceed \$80,000; authorize the Interim Public Works Director to make the purchase and sign the service purchase order.**

Interim Public Works Director Joe Horwedel stated that they were asking for emergency approval.

Supervisor Barrios asked if there was anyone local that could do the job.

Mr. Horwedel stated none that they could find.

Supervisor Barrios asked if they would have used the normal procurement process if it had not been an emergency.

Mr. Horwedel replied yes.

*Upon motion duly made by Supervisor Barrios and seconded by Supervisor De La Cruz **approved** an emergency equipment purchase and installation of one complete boiler unit from San Jose Boiler Works for the San Benito County Jail facility in an amount not to exceed \$80,000; **authorized** the Interim Public Works Director to make the purchase and sign the service purchase order. (the motion passed 5-0) File #120.5*

Supervisor Rivas left the meeting at 1:19 p.m.

The Board adjourned into Closed Session at 1:19 p.m. and reconvened into regular session at 1:45 p.m.

CLOSED SESSION:

- 23) **Closed Session-Conference with Labor Negotiators**
Agency designated representatives: Allyson Hauck, Ray Espinosa, Joe Paul Gonzalez, Melinda Casillas, and Georgia Cochran
Employee Organizations: Institutions Associations
Law Enforcement Management
Management Employees' Group
SEIU Local 521 (General Unit Employees)
SEIU United Long Term Care Workers Local 6434
Deputy Sheriffs Association

Authority: California Government Code Section 54957.6

No reportable action was taken. File #235.6

- 24) **Conference with Real Property Negotiator:**
Property: San Benito High School (APNs 020-170-043, 059-020-001 & 059-020-003), off of Nash Road., Hollister, California

Agency Negotiator(s): Joe Horwedel, Interim Public Works Director; Ray Espinosa, CAO; Matthew W. Granger, County Counsel; Barbara J. Thompson, Assistant County Counsel; and Shirley L. Murphy, Deputy County Counsel

Negotiating Parties: John Perales, on behalf of the San Benito High School District

Under Negotiation: price and terms of payment

Authority: California Government Code Section 54956.8

No reportable action was taken. File #235.6

The vote of each member of the Board of Supervisors upon each matter at the foregoing meeting, unless otherwise stated, was as follows:

AYES:	SUPERVISORS:	Muenzer, De La Cruz, Rivas, Botelho, Barrios
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

There being no further business the Board adjourned at 1:48 p.m. to October 7, 2014 at 9:00 a.m.

JERRY MUENZER, CHAIRMAN
San Benito County Board of Supervisors

ATTEST:
Denise R. Thome, Clerk of the Board